

**JD**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FAINA MUNITS  
225 Hamilton Street  
Chalfont, PA 18914-2965,

Plaintiff,

vs.

ALLIANCEONE RECEIVABLES  
MANAGEMENT, INC.  
6565 Kimball Drive, Suite 200  
Gig Harbor, WA 98335,

Defendant.

**10 31 10**

CIVIL ACTION NO.

**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 ("FDCPA").

2. The FDCPA prohibits collectors from engaging in deceptive and unfair practices in the collection of consumer debt.

3. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

**II. JURISDICTION**

4. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

**III. PARTIES**

5. Plaintiff Faina Munits ("Plaintiff") is a consumer who resides in Chalfont, Pennsylvania at the address captioned.

6. Defendant AllianceOne Receivables Management, Inc. (“AllianceOne”) is believed to be a Washington corporation with a place of business in Gig Harbor, Washington and a mailing address as captioned.

7. AllianceOne regularly engages in the collection of consumer debts in the Eastern District of Pennsylvania using the mails and telephone.

8. AllianceOne regularly attempts to collect consumer debts alleged to be due another.

9. AllianceOne is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

#### **IV. STATEMENT OF CLAIM**

10. On March 18, 2010, AllianceOne sent Plaintiff a collection notice seeking to collect a consumer debt alleged due. A copy of the March 18, 2010 collection notice is attached hereto as Exhibit “A”, redacted for privacy per Fed. R. Civ. Pro. 5.2.

11. The March 18, 2010 letter states in part:

Our investigator will be handed your file on 03-25-10.

The asset investigation is to determine your employment, means of support, and other assets. Ignoring our request for payment indicates that we must enforce collection.

12. The FDCPA prohibits debt collectors using any false, deceptive, or misleading representation or means in connection with the collection of any debt. 15 U.S.C. §1692e; §1692c(10).

13. The FDCPA also prohibits the threat to take any action that is not intended to be taken. §1692e(5).

14. Defendant AllianceOne's March 18, 2010 collection letter purporting to assign an "investigator" to conduct an investigation into Plaintiff's "employment, means of support, and other assets" was false, deceptive, and misleading, in violation of the FDCPA.

15. Defendant AllianceOne would not and did not assign an investigator to investigate Plaintiff's employment, means of support and other assets.

16. AllianceOne's threat to conduct an asset investigation was designed to deceive and intimidate Plaintiff into paying on the alleged account for fear of having some type of overreaching investigation conducted into her personal affairs.

**COUNT I - FAIR DEBT COLLECTION PRACTICES ACT**

17. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

18. Defendant has violated the Fair Debt Collection Practices Act by sending a false, deceptive and misleading communication in violation of 15 U.S.C. §1692e, §1692c(5) and §1692c(10).

**WHEREFORE**, Plaintiff Faina Munits demands judgment against Defendant AllianceOne Receivables Management, Inc. for:

- (a) Damages;
- (b) Attorney's fees and costs;
- (c) Such other and further relief as the Court shall deem just and proper.

**V. DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: 06/29/10

/s/Theodore E. Lorenz (TEL5114)

CARY L. FLITTER  
THEODORE E. LORENZ  
ANDREW M. MILZ  
Attorneys for Plaintiff

LUNDY, FLITTER, BELDECOS &  
BERGER, P.C.  
450 N. Narberth Avenue  
Narberth, PA 19072  
(610) 822-0781

# ***EXHIBIT “A”***

# AllianceOne

Receivables Management, Inc.

6565 KIMBALL DRIVE SUITE 200  
GIG HARBOR WA 98335

Telephone : 1-866-897-5309

March 18, 2010

Name : FAINA MUNITS

Account Number [REDACTED] PIN : XP

Client Reference Number : See the reverse side of this letter or attached detail page

Client : See the reverse side of this letter or attached detail page

Dear Sir or Madam:

Our investigator will be handed your file on 03-25-10.

The asset investigation is to determine your employment, means of support, and other assets. Ignoring our request for payment indicates that we must enforce collection. To avoid the additional costs of collection efforts, pay this account now or make arrangements with our office.

**Your account representative is: TOBIAS PENROSE (253)620-2308**

For your convenience you can now make your debit card or credit card payment towards your AllianceOne account online at: <http://www.payaol.com> or by calling our 24-hour automated phone system at the number above.

This communication is from a debt collector. This is an attempt to collect a debt, and any information obtained will be used for that purpose.

**A \$5.00 FEE WILL BE CHARGED FOR EACH CREDIT OR DEBIT CARD PAYMENT.**

## ACCOUNT INFORMATION

Assigned Amount	Assigned Interest	Post Assigned Interest	Other Fees or Charges	Payments Received	TOTAL BALANCE DUE
\$ [REDACTED]	\$ [REDACTED]	\$ 0.00	\$ 0.00	\$ 0.00	\$ [REDACTED]

✕ Detach Bottom Portion And Return With Payment ✕



PO BOX 510267  
LIVONIA MI 48151-6267  
RETURN SERVICE REQUESTED

↑ Mail return address only; send no letters

To contact us regarding your account, call:  
1-866-897-5309

If you wish to pay by VISA or MasterCard,  
fill in the information below and return.

Credit Card Number Check One: ☐ Visa ☐ MasterCard

[REDACTED] - [REDACTED] - [REDACTED] - [REDACTED]

Payment Amt: \$ [REDACTED] Exp. Date: [REDACTED] CVV #: [REDACTED]

Card Holder Name \_\_\_\_\_ (If last 3 numbers on back of card)

Signature of Card Holder \_\_\_\_\_ Date \_\_\_\_\_

S-CUAMFC10 L-CINVEST A- [REDACTED] O- [REDACTED]  
P11PFV00211518 112703

FAINA MUNITS  
225 HAMILTON ST  
CHALFONT PA 18914-2965



ALLIANCEONE RECEIVABLES MANAGEMENT INC.  
PO BOX 2449  
GIG HARBOR WA 98335-2449



↑ Please send all correspondence and make check  
or money order payable to the above address:

Account Number	Amount
[REDACTED]	\$ [REDACTED]

Daytime Phone # \_\_\_\_\_ Evening Phone # \_\_\_\_\_

CREDITOR	ACCOUNT NUMBER	ASND AMT	ASND INT	POST INT	OTHR FEES	PAY REC	TOTAL
SALIS MAE				0.00	0.00	0.00	
TOTAL				0.00	0.00	0.00	

**I. (a) PLAINTIFF PAINA MUNITS**

**DEFENDANT ALLIANCEONE RECEIVABLES  
MANAGEMENT, INC.**      1 0      0 1 0

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County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff  
(For Diversity Cases Only) and One Box for Defendant)

- | PTF  | DEF   | PTF                        | DEF                        |
|--|---|----------------------------|----------------------------|
| Citizen of This State <input type="checkbox"/> 1                   | <input type="checkbox"/> 1 Incorporated <i>and</i> Principal Place of Business In This State    | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State <input type="checkbox"/> 2                | <input type="checkbox"/> 2 Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 | <input type="checkbox"/> 3 Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Mgmt. Relations <input type="checkbox"/> 730 Labor Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HHA (13950) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input checked="" type="checkbox"/> 490 Cable Sat TV <input checked="" type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>				
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w Disabilities - Employment <input type="checkbox"/> 446 Amer. w Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition				

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. § 1692

Brief description of cause: Fair Debt Collection Practices Act

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

## DEMANDS

**JURY DEMAND:** ☒ Yes ☐ No.

VIII. RELATED CASE(S)  
IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE \_\_\_\_\_ SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

6/29/10

JUN 30 2010

FOR OFFICE USE ONLY

RECEIPT #

## AMCHINT

## APPLYING IFP

注意

MAG. JUDGE



**FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM** to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate judicial officer.

**10 3187**

Address of Plaintiff: 225 Hamilton Street, Chalfont, PA 18914-2965

Address of Defendants: 6565 Kimball Drive, Suite 200, Gig Harbor, WA 98335

Place of Accident, Incident or Transaction: Chalfont, PA 18914-2965

*(Use Reverse Side For Additional Space)*

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases

(Please specify) Fair Debt Collection Practices Act, 15 U.S.C. § 1692

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability (Asbestos)
9. ☐ All other Diversity Cases

(Please specify)

### ARBITRATION CERTIFICATION

*(Check appropriate Category)*

I, \_\_\_\_\_, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.

**NOTE:** A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 6/29/10

(IV.609 (4.03))

Attorney-at-Law

Attorney I.D.

JUN 30 2010

## APPENDIX I

JD

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

FAINA MUNITS

:

CIVIL ACTION

:

10 3187

V.

:

NO.

:

ALLIANCEONE RECEIVABLES MANAGEMENT, INC.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

6/29/10  
Date

*Theodore E. Lorenz*  
Attorney at Law

Theodore E. Lorenz  
Attorney for Plaintiff

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E-Mail Address

JUN 30 2010